REMARKS

This paper is filed responsive to the Advisory Action mailed February 4, 2010. Claims 1-5 and 7-25 are pending. Claims 1and 24 are amended. No new matter has been added. Claim 6 is cancelled.

Claims 1-10,13-18, and 20-25 stand rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/34040 (Sonnabend). Applicants traverse the rejection.

Applicants have amended claims 1 and 24 to add further define the invention. Applicants submit that Sonnabend does not disclose the elements of claims 1 and 24, as amended. Specifically, Sonnabend does not disclose a cam follower and a cam surface "wherein the cam follower is fixed relative to the handle, and the cam surface is fixed relative to the pivot control member." The claimed invention provides at least the advantage described in paragraph 11 of the published application:

> The bone resection device of the invention has the advantage that the device for controlling the position of the cutting tool is movable relative to the shaft, along the axis defined by the shaft, so that the orientation of the cutting tool can be determined according to components (for example by means of a cam surface and cam follower) spaced apart from the housing at the end of the shaft, for example at or around the proximal end of the shaft. The ability of the control device to move axially relative to the shaft allows the configuration of the cutting tool to be controlled as desired. In this way, the connection between the control device and the cutting tool can be kept simple, allowing it to be kept small.

An example of the claimed feature is depicted at Figures 1 and 3 of the application. Figure 3 depicts a pivot control member 12 that has a cam track (or surface) 52 within which the cam follower 50 travels. This particular example of the claimed cam track and cam follower are located on the proximal end of the device near the handle when the pivot control member is assembled with shaft 2 as depicted in Figure 1B.

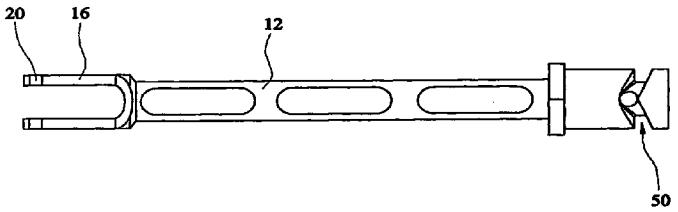

FIG. 3

As is described at paragraph 42 of Application Publication No. 2007/0276391:

> The pivot control member 12 rotates relative to the handle 40 with the shaft 2. The pivot control member is made to move in a reciprocating fashion on the shaft 2. Movement of the pivot control member 12 is controlled by means of a cam track 50 on the pivot control member. The cam track is arranged generally on a plane which is perpendicular to the axis defined by the shaft 2, but is non-planar (as can be seen in FIG. 3). Two pins 52 protrude from the internal wall of the guide portion 44 of the handle 40 and extend into the cam track 50 on the pivot control member 12. One of the pins 52 can be seen in FIG. 1A. The other pin is diametrically opposite to the pin which is shown. Accordingly, as rotational motion is imparted to the shaft 2 (as described above), the pivot control member is made to rotate at the same time. Movement of the guide pins 52 within the cam track 50 causes the pivot control member then to move in a reciprocating fashion axially along the shaft 2. As described above, this causes the blade 6 within the blade housing 4 to move in and out of the blade housing, between the extended and retracted positions.

Applicants submit that Sonnabend does not anticipate the inventions claimed in independent claims 1 or 24, and requests withdrawal of the outstanding rejection.

Claims 11-12 stand rejected under 35 U.S.C. 1 03(a) as being unpatentable over Sonnabend in view of US 6,383,188 (Kuslich). Claim 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Sonnabend. Applicants traverse the rejections. Applicants submit that claims 11, 12 and 19 are patentable at least because they ultimately depend from claim 1, which is patentable over Sonnabend, and request that the Examiner withdraw the rejection.

Please charge any fee associated with the prosecution of this application to Deposit Account No. 10-0750.

Respectfully submitted,

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